

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOSEPH PANDOLFO,

Plaintiff,

VS.

EXACTECH, INC, et al.,

Defendants.

Case No. 4:20-cv-00535-AGF

## MEMORANDUM AND ORDER


This products liability action is before the Court on Plaintiff Joseph Pandolfo's Motion to Amend Scheduling Order to Extend Time for Expert Disclosure and for Order Approving Testing of Device (ECF No. 38), which Defendants oppose. The parties' dispute centers on the protocol for product testing proposed by their respective expert witnesses and whether an extension of the current deadlines for expert disclosures is necessary as a result of such testing.

Upon careful consideration of the parties' briefs and the sworn declarations of their respective experts, it appears that a short extension of time may allow the experts to reach agreement on testing protocols that do not alter the condition of the explanted device and on joint supervision of any destructive testing that the parties deem necessary.

Accordingly,

**IT IS HEREBY ORDERED** that the parties and their respective experts shall promptly meet and confer in good faith and attempt to reach agreement on (1) testing protocols that do not alter the condition of the explanted device, (2) joint supervision of any destructive testing, if necessary, and (3) an extension of the Case Management Order that attempts to preserve or only minimally extend the current deadline for dispositive motions.

**IT IS FURTHER ORDERED** that, by no later than **June 18, 2021**, the parties shall file a status report advising the Court of their agreed or respective positions and of what issues remain for the Court's ruling.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 4th day of June, 2021.